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Mark K. Ainley, SBN 012961
Deputy County Attorney
Attorneys for STATE OF ARIZONA

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 FEB -9 PM 2:49 ✓

JEANNE HICKS, CLERK

BY: Beth Blanton

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

CAUSE NO. CR 2008-1339

STATE'S OPPOSITION TO
DEFENDANT'S MOTION FOR
REEXAMINATION OF
CONDITIONS OF RELEASE

Division 6

The State opposes the Defendant's Motion for Reexamination of
Conditions of Release and incorporates the testimony and exhibits entered into
evidence during the Simpson hearing of this matter. Defendant is a flight risk in a
Capital case and the bond of 2.5 million dollars is appropriate. Additionally,
Mendez v. Robertson, 202 Arizona 128, 42p3d. 14, states in pertinent part:

[5] 7 Mendez also complains that he was entitled to an evidentiary hearing on his
motion for reexamination of his release conditions, that the respondent judge erred
in accepting avowals by the prosecutor, and that Mendez should have been
permitted to call the victim as a witness so he could cross-examine her. There is no
support for these claims in the rule, applicable statutes, or case law, and we are not
persuaded by the authorities upon which Mendez relies. Specifically, he cites State
v. Fimbres, 152 Ariz. 440, 733 P.2d 637 (App. 1987), which involved suppression
hearing, and State v. Grounds, 128 Ariz. 14, 623 P.2d 803 (1981), which dealt
with a discovery dispute and the defendant's request for the identity of a
confidential informant; both types of proceedings are governed by different rules
of procedure, *See* Ariz. R.Crim. P. 15, 16A A.R.S. (disclosure and sanctions).
Moreover, Mendez was afforded a hearing, just not the full evidentiary hearing he
desired.

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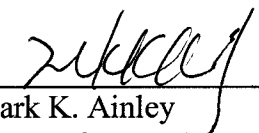
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Defendant is not entitled to an evidentiary hearing concerning conditions of release to present additional "material facts".

Defendant's motion should be denied.

RESPECTFULLY SUBMITTED this 9 day of February, 2009.

Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

By: 
Mark K. Ainley
Deputy County Attorney

COPY of the foregoing mailed this 9 day of February, 2009, to:

John M. Sears
Attorney for Defendant

Hon. Thomas B. Lindberg
Division 6

By: 